IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

WP(C).No. 29360 of 2004(T)

PETITIONER:

SMT.KOUSALLAYA KUMARAN,
W/O.LATE T.V.KUMARAN, THENGATHARA HOUSE,
KADUNGASSERY, NAYARAMBALAM, ERNAKULAM DISTRICT.

BY ADV. SRI.C.P.RAVIKUMAR.

RESPONDENTS:
----

1. **COCHIN PORT TRUST,**
   WILLINGDON ISLAND, COCHIN-9,
   REPRESENTED BY SECRETARY.

2. **THE TRAFFIC MANAGER,**
   COCHIN PORT TRUST, COCHIN-9.

3. **SATHI, FATHER'S NAME NOT KNOWN,**
   MALIAKKAL VEEDU, MADAPPATT,
   MANJUMMAL P.O., 683 531.

BY SRI. M.A. SHAFFIQUE, S.C,
ADV.SRI.E.K.NANDAKUMAR,
SRI.A.K.JAYASANKAR NAMBIAR,
SMT.PRIYA MAHESH,
SRI.S.KRISHNAMOORTHY,
SMT.O.H.NAZEEBA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.29360/2004-T:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE DEATH CERTIFICATE DT. 04/01/99.

EXT.P.2: COPY OF THE MARRIAGE CERTIFICATE DT. 01/07/96.

EXT.P.2.A: COPY OF THE MARRIAGE CERTIFICATE DT. 12/07/96.

EXT.P.3: COPY OF THE REGISTERED WILL DT. 16/10/97.

EXT.P.4: COPY OF THE APPLICATION FILED BY LATE KUMARAN BEFORE THE R.1. DT. 18/07/96.

EXT.P.5: COPY OF THE JUDGMENT IN O.S. NO. 1023/1986 DT. 31/05/1989.

EXT.P.6: COPY OF THE REPRESENTATION FILED BEFORE THE R.1. DT. 10/04/2001.

EXT.P.7: COPY OF THE REPRESENTATION FILED BEFORE THE R.1. DT. 17/06/2003.

EXT.P.8: COPY OF THE REPRESENTATION FILED BEFORE THE R.1. DT. 31/05/2004.

EXT.P.9: COPY OF THE LETTER ISSUED BY THE R.1. DT. 10/08/04.

EXT.P.10: COPY OF THE REPRESENTATION FILED BEFORE THE LAISON OFFICER FOR SC/ST. DT. 18/08/04.

EXT.P.11: COPY OF THE VOTERS LIST FOR THE YEAR 1999.

EXT.P.12: COPY OF THE VOTERS LIST FOR YEAR 2003.

EXT.P.13: COPY OF THE ELECTION CARD DT. 02/01/98.

EXT.P.14: COPY OF THE RATION CARD DT. 1/96.

EXT.P.15: COPY OF THE RATION CARD DT. NIL.

EXT.P.16: COPY OF THE RATION CARD DTD. NIL.

W.P.(C). NO.29360/2004-T:

RESPONDENT'S EXHIBITS:

EXT.R2.A: COPY OF THE PROFORMA DTD. 27/08/1963 NOMINATED BY T.V. KUMARAN, SHED CLERK, WHARF SUPERINTENDENT'S OFFICE.

EXT.R2.B: COPY OF THE LETTER DTD. 9TH DECEMBER 1985 FROM T.V. KUMARAN TO THE FA & CAO, ALONG WITH ENCLOSURES FORMS.

EXT.R2.C: COPY OF THE REPLY DTD. 20TH JULY 1999, NO. P2/99/S-I, ISSUED BY THIS RESPONDENT.

EXT.R2.D: COPY OF THE APPLICATION DTD. 21/09/2004 SUBMITTED BY THE R.3. BEFORE THE CHAIRMAN OF THE RESPONDENT COMPANY.

EXT.R3.A: COPY OF THE CERTIFICATE DTD. 20/09/04 ISSUED BY THE SECRETARY, PULAYAR MAHASABHA, KOTHADE.P.O.

EXT.R3.B: COPY OF THE FIRST PAGE OF SSLC BOOK OF USHA.T.K.

EXT.R3.C: COPY OF THE IDENTITY CARD DTD. 23/01/02 OF THE R.3.

//TRUE COPY//

prv.

V.GIRI,J.

W.P (C) No. 29360 of 2004

Dated this the 11th December, 2007

J U D G M E N T

The dispute in this writ petition is regarding the entitlement to family pension due and admissible under the account of late T.V.Kumaran. The dispute can be resolved only after the status of the petitioner as a lawful wedded wife of Kumaran is established. This is a matter that can be resolved only in a civil suit. The contention taken up by the 1st respondent in this regard is confirmed as above.

In the result, this writ petition is disposed of relegating the parties to approach the civil court. In the facts and circumstances of the case, the time during which the writ petition has been pending before this court shall stand excluded while computing the period of limitation for filing a suit.

(V.GIRI, JUDGE)

ma

K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007